

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ANTONIO-DEVON SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 2:25-cv-00131

CHARLESTON POLICE DEPARTMENT, et al.,

Defendants.

**ORDER**

Pending before the Court is plaintiff Antonio-Devon Smith's Motion for Permanent Injunction. (ECF No. 4.) By standing order, this matter was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation ("PF&R"). (ECF No. 6.)

Magistrate Judge Tinsley filed his PF&R on July 14, 2025, recommending that the Court deny the Motion without prejudice. (ECF No. 81.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not

direct the Court to a specific error in the magistrate's proposed findings and recommendations.”  
*Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

Objections to the PF&R were due on July 31, 2025. (ECF No. 28.) On July 29, 2025, the Court received a document from Plaintiff titled “Clarification of Facts and Record in Response to PF&R.” (ECF No. 85.) Plaintiff seems to note some disagreements with Magistrate Judge Tinsley's factual conclusions. In the end, however, Plaintiff asks the Court to “[t]ake notice that Plaintiff does not oppose the PF&R.” (*Id.* at 4.) Further, Plaintiff seems to suggest that his non-objection should not be interpreted as “a waiver of [d]e novo review by” the Court. (*Id.* at 3.)

As stated above, Plaintiff's submission that he does not object to this PF&R means the Court is not obligated to review this PF&R under any standard. In any event, the Court has reviewed the PF&R and agrees with Magistrate Judge Tinsley that denial without prejudice is appropriate under the circumstances. Further, Plaintiff's disinclination to object now does not bar his ability to object to any future PF&R from the Magistrate Judge.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 81), and **DENIES** the Motion for Permanent Injection **WITHOUT PREJUDICE**. (ECF No. 4).

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 8, 2025

  
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THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE